

## REMARKS/ARGUMENTS

In the Final Office Action of June 21, 2011, claims 1-3, 5-10, 12 and 14-21 were rejected under 35 U.S.C. 103(a). Specifically, claims 1-3, 5-10, 12, 14-16 and 18-21 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over En et al. (U.S. Pat. No. 6,441,433, hereinafter “En”) in view of Krivokapic (U.S. Pat. No. 6,888,198). In addition, claim 17 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over En in view of Krivokapic, and further in view of Pellerin et al. (WO 02/075781 A2, hereinafter “Pellerin”). However, Applicants hereby request reconsideration of the application in view of the below-provided remarks. No claim has been amended, canceled or added.

### Withdrawal of Finality

Applicants respectfully note that the present Office Action does not provide answers to all of Applicants’ substantive arguments from Applicants’ previous response. The MPEP requires that, in response to Applicants’ traversal of the rejection, the examiner should take note of Applicants’ argument and answer the substance of it. MPEP 707.7(f).

Specifically, with respect to the rejection of claim 1, Applicants argued in Applicants’ previous response:

“In addition, Applicants respectfully assert that the assertion ‘the shape of the side wall spacer was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the side wall spacer was significant’ of the Office Action is not based on a rational underpinning because there is persuasive evidence in Applicants’ specification that the L-shape of the side wall spacer is significant.

With regard to the assertion ‘the shape of the side wall spacer was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the side wall spacer was significant’ (emphasis added) of the Office Action, Applicants respectfully submit that there is **persuasive evidence** in Applicants’ specification that the L-shape of the side wall spacer is significant.

For example, Applicants’ specification describes that the L-shaped side wall spacer has the advantage that the dimensions of the amorphous region can be controlled so that the extension of the amorphous region under the side wall spacer is provided in a controlled manner and that as a result, the silicide region is formed over a longer distance under the side wall spacers. (See Applicants’ specification at Fig. 11, page 2, lines 26 and 27, page 4, lines 12-14, page 10, lines 20-26, and page 11, lines 20-22.) In

addition, Applicants' specification describes that another advantage of the L-shaped side wall spacer resides in that, no matter what the implantation angle is, the interface (515) between an amorphous silicon and a crystalline silicon runs substantially parallel to a surface (126) of a substrate (150). (See Applicants' specification at page 11, lines 20-26.) Furthermore, Applicants' specification describes that in the case of L-shaped side wall spacers, it is possible to fill the side wall spacers with nitride, which made the application of other layers (for example oxide layers) on top of the semiconductor device easier. (See Applicants' specification at page 13, lines 6-10.)

Because of the above-identified advantages of the L-shape of the side wall spacer, Applicants respectfully submit that there is **persuasive evidence** in Applicants' specification that the L-shape of the side wall spacer is significant. Because there is persuasive evidence in Applicants' specification that the L-shape of the side wall spacer is significant, the change in the shape of the side wall spacers is not a matter of obvious choice. Thus, the alleged reasoning provided in the Office Action to support the asserted conclusion of obviousness is not based on a rational underpinning. As a result, Applicants respectfully assert that a *prima facie* case of obviousness has not been established with respect to claim 1.

Furthermore, Applicants respectfully assert that the assertion 'it has been held that discovering the optimum or workable ranges involves only routine skill in the art' of the Office Action is not based on a rational underpinning.

A particular parameter must first be recognized as **a result-effective variable**, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation. *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977). See MPEP 2144.05(II)(B).

In the case at hand, there is no mention in En that the distance of the silicide regions (48/54) under the spacers (58) is a result-effective variable. Since the distance of the silicide regions (48/54) under the spacers (58) is **not recognized as a result-effective variable in En**, the claimed distance cannot be characterized as routine experimentation. As a result, Applicants respectfully assert that a *prima facie* case of obviousness has not been established with respect to claim 1.

Lastly, Applicants respectfully assert that the assertion '[i]t would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the silicide region continues for more than 10 nm under the side wall spacer and the L-shape of the side wall, as taught by Krivokapic in En, in order to reduce resistance and to protect the gate' of the Office Action is a mere conclusory statement.

The Office Action **merely provides a conclusory statement** to support the asserted conclusion of obviousness. Specifically, the Office Action does not articulate how the teachings of Krivokapic and En would be combined to "reduce resistance and to protect the gate" (emphasis added), as alleged in the Office Action. In addition, the Office Action does not articulate why the combination of the teachings of Krivokapic and En would "reduce resistance and to protect the gate" (emphasis added), as alleged in the Office Action. Thus, the alleged reasoning provided in the Office Action to support the asserted conclusion of obviousness is not based on a rational underpinning. As a result, Applicants respectfully assert that a *prima facie* case of obviousness has not been established with respect to claim 1." (See pages 4-6 of Applicants' previous response).

Applicants respectfully submit that the present Office Action fails to take note of the above-identified arguments with respect to claim 1 and answer the substance of the above-identified arguments. Specifically, the present Office Action does not provide a clear answer to Applicants' argument of "there is **persuasive evidence** in Applicants' specification that the L-shape of the side wall spacer is significant." In addition, the present Office Action does not provide a clear answer to Applicants' argument of "[s]ince the distance of the silicide regions (48/54) under the spacers (58) is **not recognized as a result-effective variable in En**, the claimed distance cannot be characterized as routine experimentation." Furthermore the present Office Action does not provide clear answers to Applicants' arguments of "the Office Action does not articulate how the teachings of Krivokapic and En would be combined to '**reduce resistance and to protect the gate**' (emphasis added), as alleged in the Office Action" and "the Office Action does not articulate why the combination of the teachings of Krivokapic and En would '**reduce resistance and to protect the gate**' (emphasis added), as alleged in the Office Action."

With respect to the rejections of claims 5, 19 and 20, Applicants argued in Applicants' previous response:

"Applicants respectfully assert that the Office Action merely provides a conclusory statement to support the asserted conclusion of obviousness.

Specifically, the Office Action does not describe what performance is being optimized. In addition, the Office Action does not describe how the teachings of En and Krivokapic would be combined to '**optimize the performance of the device**' (emphasis added), as alleged in the Office Action. Furthermore, the Office Action does not describe why the combination of the teachings of En and Krivokapic would '**optimize the performance of the device**' (emphasis added), as alleged in the Office Action. Thus, the alleged reasoning provided in the Office Action to support the asserted conclusion of obviousness is not based on a rational underpinning. As a result, Applicants respectfully assert that a *prima facie* case of obviousness has not been established with respect to claims 5, 19 and 20.

In addition, Applicants respectfully assert that the assertion 'it has been held that discovering the optimum or workable ranges involves only routine skill in the art' of the Office Action is not based on a rational underpinning.

A particular parameter must first be recognized as **a result-effective variable**, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation. *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977). See MPEP 2144.05(II)(B).

In the case at hand, there is no mention in En that the thickness of a portion of the spacers (58) is a result-effective variable. Since the thickness of a portion of the

spacers (58) is **not recognized as a result-effective variable in En**, the claimed distance cannot be characterized as routine experimentation. As a result, Applicants respectfully assert that a *prima facie* case of obviousness has not been established with respect to claims 5, 19 and 20.

Furthermore, Applicants respectfully assert that the thickness of the second portion of the L-shaped side wall spacer ‘of maximally 40 nm’ (emphasis added) as recited in claims 5 and 20 and ‘of 5 to 20 nm’ (emphasis added) as recited in claim 19 is critical and achieves unexpected results.

MPEP 2144.05 states:

Applicants can rebut a *prima facie* case of obviousness based on overlapping ranges by showing the criticality of the claimed range. ‘The law is replete with cases in which the difference between the claimed invention and the prior art is some range or other variable within the claims. . . . In such a situation, the applicant must show that the particular range is critical, generally by showing that the claimed range achieves unexpected results relative to the prior art range.’ *In re Woodruff*, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990).

For example, Applicants’ specification at Fig. 11 and page 11, lines 6-8, describes that, compared to an L-shaped sidewall spacer with a second portion, which extends along a surface of a semiconductor body, that has a thickness of more than 40nm, an L-shaped sidewall spacer with a second portion that has a thickness of maximally 40 nm prevents an effect of an amorphization implantation from getting too low and results in an improved operation of a semiconductor device. Thus, **the claimed dimension is critical and achieves unexpected results.** As a result, Applicants respectfully assert that the teachings of En and Krivokapic are not sufficient to establish a *prima facie* case of obviousness with respect to claims 5, 19 and 20.

Lastly, Applicants respectfully assert that a semiconductor device having the claimed relative dimensions performs differently than a device without the claimed relative dimensions.

MPEP § 2144.04(IV)(A) states:

In *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 830, 225 USPQ 232 (1984), the Federal Circuit held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. (emphasis added)

For example, Applicants’ specification at Fig. 11 and page 11, lines 6-8, describes that, compared to an L-shaped sidewall spacer with a second portion, which extends along a surface of a semiconductor body, that has a thickness of more than 40nm, an L-shaped sidewall spacer with a second portion that has a thickness of maximally 40 nm prevents an effect of an amorphization implantation from getting too low and results in an improved operation of a semiconductor device. Because a semiconductor device having the claimed dimensions **performs differently** than a device without the claimed relative dimensions, Applicants respectfully assert that the teachings of En and Krivokapic are not sufficient to establish a *prima facie* case of obviousness with respect to claims 5, 19 and 20.” (See pages 6-9 of Applicants’ previous response).

Applicants respectfully submit that the present Office Action fails to take note of the above-identified arguments with respect to claims 5, 19 and 20 and answer the substance of the above-identified arguments. Specifically, the present Office Action does not provide clear answers to Applicants' arguments of "the Office Action does not describe what performance is being optimized," "the Office Action does not describe how the teachings of En and Krivokapic would be combined to 'optimize the performance of the device' (emphasis added), as alleged in the Office Action," and "the Office Action does not describe why the combination of the teachings of En and Krivokapic would 'optimize the performance of the device' (emphasis added), as alleged in the Office Action." In addition, the present Office Action does not provide a clear answer to Applicants' argument of "[s]ince the thickness of a portion of the spacers (58) is not recognized as a result-effective variable in En, the claimed distance cannot be characterized as routine experimentation." Furthermore, the present Office Action does not provide a clear answer to Applicants' argument of "the thickness of the second portion of the L-shaped side wall spacer 'of *maximally 40 nm*' (emphasis added) as recited in claims 5 and 20 and '*of 5 to 20 nm*' (emphasis added) as recited in claim 19 is critical and achieves unexpected results." Lastly, the present Office Action does not provide a clear answer to Applicants' argument of "a semiconductor device having the claimed relative dimensions performs differently than a device without the claimed relative dimensions."

In addition, with respect to the rejections of claims 7 and 8, Applicants argued in Applicants' previous response:

"However, the Office Action merely provides a vague conclusory statement to support the asserted conclusion of obviousness. Specifically, the Office Action does not describe what performance is being optimized. In addition, the Office Action does not describe how the teachings of En and Krivokapic would be combined to 'improve the performance of the device' (emphasis added), as asserted by the Examiner. Furthermore, the Office Action does not describe why the combination of the teachings of En and Krivokapic would 'improve the performance of the device' (emphasis added), as asserted by the Examiner. Thus, the alleged reasoning provided in the Office Action to support the asserted conclusion of obviousness is not based on a rational underpinning. As a result, Applicants respectfully assert that a *prima facie* case of obviousness has not been established with respect to claims 7 and 8." (See pages 9 and 10 of Applicants' previous response).

Applicants respectfully submit that the present Office Action fails to take note of the above-identified argument with respect to claims 7 and 8 and answer the substance of the above-identified argument. Specifically, the present Office Action does not provide clear answers to Applicants' arguments of "the Office Action does not describe what performance is being optimized," "the Office Action does not describe how the teachings of En and Krivokapic would be combined to 'improve the performance of the device' (emphasis added), as asserted by the Examiner," and "the Office Action does not describe why the combination of the teachings of En and Krivokapic would 'improve the performance of the device' (emphasis added), as asserted by the Examiner."

Furthermore, with respect to the rejection of claim 12, Applicants argued in Applicants' previous response:

"Claim 12 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over En in view of Krivokapic. However, Applicants respectfully note that the Office Action relies on **Yang** to teach the limitation '*the metal is palladium (Pd)*' of claim 12. (See page 6 of the Office Action). Because Yang was relied on to reject claim 12 and **Yang was not cited by the Examiner in the rejection of claim 12**, Applicants respectfully assert that a *prima facie* case of obviousness has not been established with respect to claim 12." (See page 10 of Applicants' previous response).

Applicants respectfully submit that the present Office Action fails to take note of the above-identified argument with respect to claim 12 and answer the substance of the above-identified argument. Specifically, the present Office Action does not provide a clear answer to Applicants' argument of "Yang was relied on to reject claim 12 and **Yang was not cited by the Examiner in the rejection of claim 12**."

Accordingly, the present Office Action fails to take note of the above-identified arguments with respect to claims 1, 5, 7, 8, 12, 19 and 20 and answer the substance of the above-identified arguments. Therefore, Applicants repeat the substantive arguments herein and request that the Examiner provide answers to the arguments. Given that the present Office Action does not answer all of the substantive arguments from Applicants' previous response, Applicants respectfully submit that the finality of the present Office Action is premature. Accordingly, Applicants respectfully request that the finality of the present Office Action be withdrawn.

### Claim Rejections under 35 U.S.C. 103

As described above, claims 1-3, 5-10, 12, 14-16 and 18-21 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over En in view of Krivokapic. Claim 17 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over En in view of Krivokapic, and further in view of Pellerin. However, Applicants respectfully submit that the pending claims are patentable in view of the cited references for the reasons provided below.

#### Independent Claim 1

Applicants respectfully assert that a *prima facie* case of obviousness has not been established with respect to claim 1. Specifically, Applicants respectfully submit that the alleged reasoning provided in the Final Office Action to support the asserted conclusion of obviousness is not based on a rational underpinning. As a result, the teachings of En in view of Krivokapic are not sufficient to establish a *prima facie* case of obviousness with respect to claim 1.

In order to establish a *prima facie* rejection of a claim under 35 U.S.C. 103, the Office Action must present a clear articulation of the reason why the claimed invention would have been obvious. MPEP 2142 (citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. (2007)). The analysis must be made explicit. *Id.* Additionally, rejections based on obviousness cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.*

MPEP §2142 states:

“The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness” (emphasis added).

The Final Office Action admits that En does not teach the limitation “*the silicide region extends along the surface of the semiconductor body and continues for more than 10 nm under the side wall spacer*” (emphasis added) and the limitation “*the side wall*

*spacer is L-shaped*” (emphasis added), as recited in claim 1. (See page 3 of the Final Office Action). The Final Office Action further states:

“Fig. 1 of Krivokapic teaches it is known in the art to provide a side wall spacer (48) is L-shaped.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the silicide region continues for more than 10 nm under the side wall spacer and the L-shape of the side wall, as taught by Krivokapic in En, in order to reduce resistance and to protect the gate.

Furthermore, it has been held that discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233; *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980); *In re Huang*, 100 F.3d 135, 40 USPQ 2d 1685, 1688 (Fed. Cir. 1996).

Furthermore, the shape of the side wall spacer was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the side wall spacer was significant. See *In re Dailey*, 357 F. 2d 669, 149 USPQ 47 (CCPA 1966).” (See page 3 of the Final Office Action).

Applicants respectfully note that the above assertions with respect to the rejection of claim 1 in the present Office Action are essentially identical with the assertions with respect to the rejection of claim 1 in the previous Office Action notified on March 1, 2011. As described above in the section titled “Withdrawal of Finality,” Applicants respectfully note that the present Office Action does not provide answers to all of Applicants’ substantive arguments with respect to claim 1 in Applicants’ previous response. Applicants respectfully request that the Examiner provide answers to the above-identified arguments in the section titled “Withdrawal of Finality.” In view of the absence of the Examiner’s answers, Applicants respectfully assert that a *prima facie* case of obviousness has not been established with respect to claim 1.

In addition, the Final Office Action in the section titled “Response to Arguments” states:

“Applicant’s arguments, see pg. 3, with respect to the rejection that En et al. do not teach the limitation ‘the side wall spacer is L-shaped’

Applicant does not claim the material of the spacer. For the broadest interpretation, the spacer can be (arbitrarily chosen) any layer adjacent or on the sidewall of the gate electrode. Therefore, En et al. in view of the Krivokapic et al. disclose the side wall spacer is L-shape.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the spacer has L-shape in En et al., order to achieve the device properties.

Furthermore, the change in shape of the shape of the spacer was a matter of choice which a person of ordinary skill in the art would have found obvious absent



persuasive evidence that the particular configuration of the side wall spacer was significant. See *In re Dailey*, 357 F. 2d 669, 149 USPQ 47 (CCPA 1966).

According to M.P.E.P. § 2144.04(IV)(B), the court held that the configuration of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant. See *In re Dailey*, 357 F. 2d 669, 149 USPQ 47 (CCPA 1966).

In *Dailey*, the court stated that ‘[a]ppellant have present no argument which convinces us that the particular configuration of their container is significant or is anything more than one of numerous configurations a person of ordinary skill in the art would find obvious’ (357 F. 2d 669, 149 USPQ at 50 ).

In the instant case, Applicant is claiming towards the spacer where the shaper is manipulated. Prior art teaches the spacer, wherein they are similar, but only the shape is different. Therefore, it is unpatentable by a mere change in shape for which one of ordinary skill in the art would have found obvious.

In response to applicant’s argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., the size, shape and layout of the protrusions) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).” (emphasis added). (See the section titled “Response to Arguments” on pages 11 and 12 of the Final Office Action).

Applicants respectfully assert that the above assertions of the Final Office Action are merely conclusory statements that are not based on a rational underpinning, as described below.

Applicants respectfully assert that the assertion “[f]or the broadest interpretation, the spacer can be (arbitrarily chosen) any layer adjacent or on the sidewall of the gate electrode” of the Final Office Action is not supported by fact and thus is not based on a rational underpinning.

With respect to the assertion “[f]or the broadest interpretation, the spacer can be (arbitrarily chosen) any layer adjacent or on the sidewall of the gate electrode” of the Final Office Action, Applicants respectfully assert that none of the cited references of En, Krivokapic and Pellerin teaches that a side wall spacer can be arbitrarily chosen to be any layer adjacent or on a sidewall of a gate electrode. In addition, Applicants respectfully note that the Final Office Action also does not provide any other factual support for the above-identified assertion. Thus, Applicants respectfully assert that the above-identified assertion of the Final Office Action is not supported by fact and thus is not based on a

rational underpinning. As a result, Applicants respectfully assert that a *prima facie* case of obviousness has not been established with respect to claim 1.

In addition, Applicants respectfully assert that the assertion “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the spacer has L-shape in En et al., order to achieve the device properties” of the Final Office Action is a mere conclusory statement.

The Final Office Action **merely provides a conclusory statement** to support the asserted conclusion of obviousness. Specifically, the Final Office Action does not describe what properties are being optimized. In addition, the Final Office Action does not describe how the teachings of En and Krivokapic would be combined to “achieve the device properties” (emphasis added), as alleged in the Final Office Action. Furthermore, the Final Office Action does not describe why the combination of the teachings of En and Krivokapic would “achieve the device properties” (emphasis added), as alleged in the Final Office Action. Thus, the alleged reasoning provided in the Final Office Action to support the asserted conclusion of obviousness is not based on a rational underpinning. As a result, Applicants respectfully assert that a *prima facie* case of obviousness has not been established with respect to claim 1.

Furthermore, Applicants respectfully assert that the assertion “the change in [the shape of the spacer] was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the side wall spacer was significant” of the Final Office Action is not based on a rational underpinning because there is persuasive evidence in Applicants’ specification that the L-shape of the side wall spacer is significant.

The Final Office Action asserts that “the change in [the shape of the spacer] was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the side wall spacer was significant” (emphasis added). The Final Office Action also asserts that “[p]rior art teaches the spacer, wherein they are similar, but only the shape is different and that “it is unpatentable by a mere change in shape for which one of ordinary skill in the art would

have found obvious.” However, Applicants respectfully submit that there is **persuasive evidence** in Applicants’ specification that the L-shape of the side wall spacer is significant. Because there is persuasive evidence in Applicants’ specification that the L-shape of the side wall spacer is significant, the change in the shape of the side wall spacers is not a matter of obvious choice.

For example, Applicants’ specification describes that the L-shaped side wall spacer has the advantage that the dimensions of the amorphous region can be controlled so that the extension of the amorphous region under the side wall spacer is provided in a controlled manner and that as a result, the silicide region is formed over a longer distance under the side wall spacers. (See Applicants’ specification at Fig. 11, page 2, lines 26 and 27, page 4, lines 12-14, page 10, lines 20-26, and page 11, lines 20-22.) In addition, Applicants’ specification describes that another advantage of the L-shaped side wall spacer resides in that, no matter what the implantation angle is, the interface (515) between an amorphous silicon and a crystalline silicon runs substantially parallel to a surface (126) of a substrate (150). (See Applicants’ specification at page 11, lines 20-26.) Furthermore, Applicants’ specification describes that in the case of L-shaped side wall spacers, it is possible to fill the side wall spacers with nitride, which made the application of other layers (for example oxide layers) on top of the semiconductor device easier. (See Applicants’ specification at page 13, lines 6-10.) Because of the above-identified advantages of the L-shape of the side wall spacer, Applicants respectfully submit that there is **persuasive evidence** in Applicants’ specification that the L-shape of the side wall spacer is significant. Because there is persuasive evidence in Applicants’ specification that the L-shape of the side wall spacer is significant, the change in the shape of the side wall spacers is not a matter of obvious choice. As a result, Applicants respectfully assert that a *prima facie* case of obviousness has not been established with respect to claim 1.

Thus, the alleged reasoning provided in the Final Office Action to support the asserted conclusion of obviousness is not based on a rational underpinning. As a result, Applicants respectfully assert that a *prima facie* case of obviousness has not been established with respect to claim 1.

In addition, Applicants respectfully disagree with the assertion “[i]n response to applicant’s argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., the size, shape and layout of the protrusions) are not recited in the rejected claim(s)” of the Final Office Action. In particular, Applicants respectfully assert that in the response filed on March 31, 2011, there is no argument the references fail to show certain features of Applicants’ invention that are not recited in claim 1 or any other claim. Applicants respectfully request that the Examiner point out where in the previous response filed on March 31, 2011, Applicants argued that the references fail to show certain features of Applicants’ invention that are not recited in claim 1 or any other claim if the Examiner reasserts this assertion in a subsequent Office Action.

Dependent Claims 2, 3, 5-10, 12 and 14-21

Claims 2, 3, 5-10, 12 and 14-21 depend from and incorporate all of the limitations of independent claim 1. Thus, Applicants respectfully assert that claims 2, 3, 5-10, 12 and 14-21 are allowable at least based on an allowable claim 1.

Additionally, claims 5, 7, 8, 12, 19 and 20 are allowable because a *prima facie* case of obviousness has not been established with respect to claims 5, 7, 8, 12, 19 and 20. Specifically, Applicants respectfully note that the rejections of claims 5, 7, 8, 12, 19 and 20 in the present Office Action are essentially identical with the rejections of claims 5, 7, 8, 12, 19 and 20 in the previous Office Action notified on March 1, 2011. As described above in the section titled “Withdrawal of Finality,” Applicants respectfully note that the present Office Action does not provide answers to all of Applicants’ substantive arguments with respect to claims 5, 7, 8, 12, 19 and 20 from Applicants’ previous response. Applicants herein respectfully request that the Examiner provide answers to the above-identified arguments. In view of the absence of the Examiner’s answers, Applicants respectfully assert that a *prima facie* case of obviousness has not been established with respect to claims 5, 7, 8, 12, 19 and 20.

## CONCLUSION

Generally, in this Response to Final Office Action, Applicants may have not raised all possible grounds for (a) traversing the rejections of the Final Office Action or (b) patentably distinguishing any new or currently amended claims (i.e., over the cited references or otherwise). Applicants however, reserve the right to explicate and expand on any ground already raised and/or to raise other grounds for traversing and/or for distinguishing, including, without limitation, by explaining and/or distinguishing the subject matter of the Application and/or any cited reference at a later time (e.g., in the event that this Application does not proceed to issue with the current pending claims, or in the context of a continuing application). Applicants submit that nothing herein is, or should be deemed to be, a disclaimer of any rights, acquiescence in any rejection, or a waiver of any arguments that might have been raised but were not raised herein, or otherwise in the prosecution of this Application, whether as to the original claims or as to any of the new or amended claims, or otherwise. Without limiting the generality of the foregoing, Applicants reserve the right to reintroduce one or more of the original claims in original form or otherwise so as to claim the subject matter of those claims, both/either at a later time in prosecuting this Application or in the context of a continuing application.

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted on behalf of:

NXP N.V.

Date: July 29, 2011

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